

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

JOHN Doe

2017 FEB -2 PM 1:11

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY 76
DEPUTY CLERK

(Name of plaintiff or plaintiffs)

v.

CITY of SAN ANTONIO

SA17CA0076 OLG
Civil Action Number

(Case Number to be supplied
by the Intake Clerk)

(Name of defendant or defendants)

COMPLAINT

1. This action is brought by JOHN DOE, Plaintiff, pursuant to the following selected jurisdiction:

(Please select the applicable jurisdiction)

- ☐ Title VII of the Civil Rights Act of 1964 (42 USC §§ 2000e et seq.) Employment Discrimination on the basis of race, color, sex (gender, pregnancy and sexual harassment), religion or national origin.
- ☐ The Age Discrimination in Employment Act (29 USC §§ 621 et seq.) (ADEA).
- ☒ The Americans With Disabilities Act (42 USC §§ 12102 et seq.) (ADA).
- ☐ The Equal Pay Act (29 USC § 206(d)) (EPA).
- ☐ The Rehabilitation Act of 1973 (29 USC § 791 et seq.) (Applicable to federal employees only).

2. Defendant CITY of SAN ANTONIO (Defendant's name) lives at, or its business is located at PO. Box 839966 (street address), SAN ANTONIO (city), TEXAS (state), 78283 (zip).
- 3a. Plaintiff sought employment from the defendant or was employed by the defendant at 315 S. SANTA ROSA (street address), SAN ANTONIO (city), TEXAS (state), 78207 (zip).
- 3b. At all relevant times of claim of discrimination, Defendant employed 1600 (#) employees. If defendant is a union, at all relevant times of claim of discrimination, Defendant had (#) members.

4. Defendant discriminated against plaintiff in the manner indicated in paragraph 8 of this complaint on or about JANUARY (month) 25 (day) 2015 (year). If incidents of discrimination occurred more than one day, please indicate the beginning and ending dates of such acts: JANUARY 2015 - FEBRUARY 2015
5. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission (E.E.O.C.) charging defendant with the acts of discrimination indicated in paragraph 7 of this complaint on or about AUGUST (month) 25 (day) 2015 (year). (Not applicable to federal civil service employees).
- 6a. The E.E.O.C. issued a Notice of Right to Sue which was received by plaintiff on NOVEMBER (month) 7th (day) 2016 (year). (Not applicable to ADEA and EPA claims or federal civil service employees).

VERY IMPORTANT NOTE:

PLEASE ATTACH A COPY OF YOUR NOTICE OF RIGHT TO SUE AND THE ENVELOPE IN WHICH IT WAS RECEIVED TO THIS COMPLAINT.

- 6b. Please indicate below if the E.E.O.C issued a **Determination** in your case:

☒ Yes
☐ No

VERY IMPORTANT NOTE:

IF YOU CHECKED "YES", PLEASE ATTACH A COPY OF THE E.E.O.C.'S DETERMINATION TO THIS COMPLAINT

7. Because of plaintiff's:

(Please select the applicable allegation(s))

- ☐ Race (If applicable, state race) _____
- ☐ Color (If applicable, state color) _____
- ☐ Sex (gender, pregnancy or sexual harassment) (If applicable, state sex and claim) _____
- ☐ Religion (If applicable, state religion) _____
- ☐ National Origin (If applicable, state national origin) _____
- ☐ Age (If applicable, state date of birth) _____
- ☒ Disability (If applicable, state disability) MEDICAL CONFIDENTIALITY

- ☐ Prior complaint of discrimination or opposition to acts of discrimination.
(Retaliation) (If applicable, explain events of retaliation) THE CITY STATED
I DID NOT HAVE A VALID FIRST REPORT OF INJURY
AND SHOULD NOT BE PROCESSED

The defendant: (please select all that apply)

- ☐ failed to employ plaintiff.
- ☐ terminated plaintiff's employment.
- ☐ failed to promote plaintiff.
- ☐ harassed plaintiff.
- ☒ other (specify) DISCLOSED CONFIDENTIAL MEDICAL DISABILITY

- 8a. State specifically the circumstances under which defendant, its agent, or employees discriminated against plaintiff PERSONALLY:

VERY IMPORTANT NOTE: INCLUDE SPECIFIC DATES, SPECIFIC EVENTS, AND ANY SPECIFIC COMMENTS MADE BY DEFENDANT PERTAINING TO THE DISCRIMINATION CLAIM ALLEGED ABOVE.

2015
FEBRUARY MY MEDICAL DISABILITY WAS DISCLOSED TO OTHER EMPLOYEES
JANUARY 2015 A STATEMENT WAS MADE I SHOULD NOT BE IN
MY POSITION DUE TO MY DISABILITY.

- 8b. List any witnesses who would testify for plaintiff to support plaintiff's allegations and the substance of their testimony:

CONNIE HALL, STEVEN DALLY, JOEY NEUMAN, AND ABOUT 25 OTHERS

- 8c. List any documentation that would support plaintiff's allegations and explain what the documents will prove:

9. The above acts or omissions set forth in paragraphs 7 and 8 are:

- ☐ still being committed by defendant.
☒ no longer being committed by defendant.

10. Plaintiff should attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission. This charge is submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

- ☐ Defendant be directed to employ plaintiff.
☐ Defendant be directed to re-employ plaintiff.
☐ Defendant be directed to promote plaintiff.
☐ Defendant be directed to REINSTATE SICK LEAVE, COMPENSATION
FOR LOST PAY - INCENTIVES, PUNITIVE DAMAGES, COMPENSATION
FOR LOSS OF FUTURE WAGES

_____, and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

2/2/17

Date



Signature of Plaintiff

111 BANBRIDGE

Address of Plaintiff

SAN ANTONIO TX 78223

City

State

Zip Code

210-333-7837

Telephone Number(s)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Shawn Ashley**
111 Banbridge
San Antonio, TX 78223

From: **San Antonio Field Office**
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2015-02444

Manuel Medina,
Investigator

(210) 281-7663

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice;** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)

Pamela D. Taylor
 For **Travis G. Hicks,**
Director

11-2-2016
 (Date Mailed)

cc:

Krista Cover
CITY OF SAN ANTONIO
P.O. Box 839966
San Antonio, TX 78283

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

John Doe

Plaintiff(s)

v.

CASE NUMBER: _____

(To be supplied by Intake Deputy)

The City of San Antonio

Defendant(s)

COMPLAINT

A. Plaintiff

Name: John Doe

Address: 111 Banbridge

City: San Antonio

State: Texas

County: Bexar

Phone: 210-333-7837

B. Defendant

Name: City of San Antonio

Address: P.O. Box 839966

City: San Antonio

State: Texas

County: Bexar

Phone: 210-207-6000

C. JURISDICTIONAL PLEA:

The court has Jurisdiction under 28 U.S.C. 1331.

D. ALLEGATIONS:

1. In the course of Plaintiff's employment with defendant, Plaintiff contracted the disease of cancer. Cancer is a disability within the meaning of the Americans with Disability Act. Plaintiff sought accommodations for his condition of cancer and was retaliated against in various forms.
2. Plaintiff was denied workers compensation when he requested it.
3. January 2015, the city expressed the plaintiff should not be in his position due to his disability.
4. Plaintiff was further retaliated against by being treated to a hostile work environment. The hostile work environment included the unauthorized disclosure of Plaintiff's medical condition to persons not authorized to receive the information violating Medical Confidentiality under the ADA Act (February, 2015). Plaintiff has been ostracized by the city. The hostile work environment also included Plaintiff

being treated to humiliation and shame by having lies told about him (February, 2015).

5. The City told co-workers that Plaintiff was on worker's compensation when in fact the city had failed to report the claim to the Texas Department of Insurance and denied workers compensation for the Plaintiff (February, 2015).

6. Plaintiff requested time off for his disability March 1, 2015 (granted) and was ordered back to work on March 4, 2015, on March 4, 2015 plaintiff requested time off work (granted) and ordered back to work on March 7, 2015.

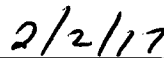
7. Plaintiff file a First Report of Injury and the city stated the report should not have been accepted due to the plaintiff not having the reported injury (March 10, 2015).

E. Relief Requested:

1. Plaintiff request sick time restored.
2. Compensation for loss of pay and incentives.
3. Punitive Damages.
4. Compensation for loss of future wages.
5. For such other relief to which a plaintiff is entitled at law



Signature



Date

210-333-7837

Phone #